

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DATE

FILED: 5/26/11

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TELMO IVAN RUBIO, JORGE PALACIOS  
& FERNANDO ORTIZ,

Plaintiffs,

-against-

JMH DEVELOPMENT, LLC,

Defendant.  
----- x

10 Civ. 7393 (AJP)

**ORDER OF DISMISSAL ON CONSENT**

**ANDREW J. PECK, United States Magistrate Judge:**

The parties having informed the Court that they have reached a settlement agreement in principle and are finalizing settlement documents (see attached letter), IT IS HEREBY ORDERED THAT this action is dismissed with prejudice and without costs, provided, however, that any party may reinstate the action within 30 days hereof if the settlement is not fully effectuated. Any pending motions are to be terminated as moot.

SO ORDERED.

DATED: New York, New York  
May 26, 2011

  
\_\_\_\_\_  
**Andrew J. Peck**  
United States Magistrate Judge

Copies **by ECF** to: All Counsel

**MILMAN LABUDA LAW GROUP PLLC**

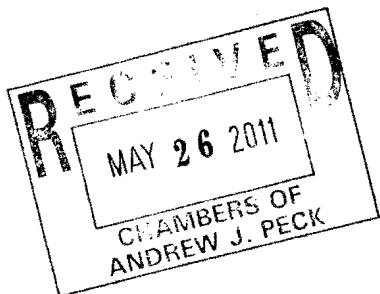
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**Via Fax &**  
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May 25, 2011

Hon. Andrew J. Peck, U.S.M.J.  
United States District Court  
Southern District of New York  
500 Pearl St.  
New York, NY 10007-1312

**Re: Rubio, et al. v. JMH Development, LLC**  
**10-CV-7393**

Dear Judge Peck:

This firm represents the defendant in the above referenced matter. Plaintiffs have moved for summary judgment. Defendant's opposition is due on May 27, 2011. The parties have reached settlement on this matter. The parties are in the process of finalizing settlement and request that the summary judgment motion be held in abeyance pending the filing of the stipulation of dismissal.

Thank you.

Very truly,

**MILMAN LABUDA LAW GROUP PLLC**  
Michael J. Mauro, Esq.

Cc: Lloyd Ambinder, Esq. via fax